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18 May 1945

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Acceptance of Awards by Foreign Governments

OGC Has Reviewed

1. The following provisions are taken from Army Regulations 600-45 and present the whole picture of the law including the constitutional prohibitions and the blanket statutory consent during the present war:

"32. May not be accepted without consent of Congress.--No person holding any office or profit or trust under them (the United States) shall, without the consent of the Congress, accept of any present, a claudant, office, or title, of any kind whatever, from any King, Prince, or foreign State. [See Const. Art. I, Sec. 9, Cl. 8.]

"33. acceptance of awards.--a. That officers and enlisted men of the armed forces of the United States be, as they are hereby, authorized during the present war and for a year thereafter to accept from the governments of belligerent nations or the other American republics such decorations, orders, medals, and emblems, as may be tendered them, and which are conferred by such governments upon members of their own military forces, hereby expressly granting the consent of Congress required for this purpose by clause 8 of section 9, article I, of the Constitution: [Provided], That any such officer or enlisted man is hereby authorized to accept and wear any decoration, order, medal, or emblem heretofore bestowed upon such person by the government of a belligerent nation or of an American republic. Sec. I, Act 20, July 1942 (56 Stat. 662). This statute constitutes congressional consent for the duration of the present war and for a year thereafter for acceptance of the decorations covered by it, as set forth above.

"b. Offers by the governments of belligerent nations or the other American republics to personnel of the United States Army of decorations, orders, medals, and emblems, as set forth in (a) above, may be received, accepted, or worn by members of the United States Army provided the award and presentation have first been approved by any one

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of the appropriate commanders designated in paragraph 5b(1). Such cases not falling within the foregoing category will require prior concurrence of the War Department.

"5c. Unauthorized wearing of foreign decorations.--a. That it shall be unlawful for any person, with intent to deceive or mislead, within the United States or Territories, possessions, waters or places subject to the jurisdiction of the United States, to wear any \* \* \* decorations, or regalia of any foreign State, nation, or Government with which the United States is at peace, or any \* \* \* decoration, or regalia so nearly resembling the same as to be calculated to deceive, unless such wearing thereof be authorized by such State, nation, or Government.

"Any person who violates the provisions of this act shall upon conviction be punished by a fine not exceeding \$500 or imprisonment for not exceeding six months, or by both such fine and imprisonment. Sec. 1, Act of July 1919 [40 Stat. 821; 22 U. S. Stat. 242; R.S. 1929, sec. 215] 7.

"5d. Notations and report on awards of foreign decorations.--All awards of foreign decorations will be noted in service and other similar records, in personnel files, in efficiency records, and in historical records of organizations. Report of such awards giving citation and other specific information therefor with reference to the official foreign document upon which the award is made will be forwarded to the head quarters of the field force concerned for recording and transmission to The Adjutant General.

"5e (3) \* \* \* (a) The commanding general of United States Army Forces in a theater of operations.

"(b) The commanding generals of any of the following, when operating directly under the War Department:

1. An army or air force.
2. A group of armies.
3. A defense command in Alaska or outside the continental United States.

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"4. Any separate force accompanied  
by a major general or officer  
of higher grade.

"(4) The Purple Heart may be awarded by commanders  
named in (3) above, and the commander of any  
force which is commanded by, or the appropriate  
command of, a brigadier general or officer of  
higher grade, the commander of a named general  
hospital in the continental United States, and  
the commander of any general or evacuation  
hospital outside the continental United States.

"(5) Contemplated awards to personnel of the Navy will  
be submitted to the senior naval commander pres-  
ent for concurrence."

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CIVILIAN PERSONNEL

Awards by foreign governments to civilian personnel are still controlled by the act of 31 January 1931, Chapter 32, Sections 2 and 3, 21 Stat. 604, 5 U.S.C.A. 114, 116. Note that the act of 20 July 1942 affects only members of the armed forces and does not vitiate the effect of the act of 31 January 1931 with respect to civilians. These provisions are as follows:

"114. Foreign Decorations. Except as otherwise provided, in chapter 35 of Title 10, no decoration, or other thing, the acceptance of which may be authorized by consent of Congress, by any officer of the United States, from any foreign government, shall be publicly shown or exposed upon the person of the officer so receiving the same. (Jan. 31, 1931, c. 32, para 2, 21 Stat. 604.)"

"115. Same; Delivery through State Department. Any present, decoration, or other thing, which shall be conferred or presented by any foreign government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress. (Jan. 31, 1931, c. 32, para 3, Stat. 604.)"

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